

Panaji, 2nd August, 1990 (Sravana 11, 1912)

SERIES I No. 18

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Home (General) Department

Notification

HD-G-34-3/73-Vol. II

In exercise of the powers conferred by Sub-Section (2) of Section 46 read with sections 2 and 7 of the Indian Police Act, 1861 (Central Act 5 of 1861), the Government of Goa hereby makes the following rules so as to further amend Goa Police Subordinate Service (Discipline and Appeal) Rules, 1975, namely:—

1. *Short title and commencement.*— (1) These rules may be called Goa Police Subordinate Service (Discipline and Appeal) (Fifth Amendment) Rules, 1990.
2. They shall come into force at once.
3. *Amendment of Schedule.*— In the Schedule to the Goa Police Subordinate Service (Discipline and Appeal) Rules, 1975.—

(i) In the columns 3, 4, and 6 after the words "Inspector General of Police", wherever they occur, the figure and words "/Additional Inspector General of Police" shall be inserted;

(ii) In the Note, after the words "Inspector General of Police", the figure and words "/Additional Inspector General of Police" shall be inserted.

By order and in the name of the Governor of Goa.

A. T. Kamat, Under Secretary (Home).

Panaji, 23rd July, 1990.

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Department of Labour

Notification

21/24/87-LAB

Whereas certain draft rules further to amend the Goa, Daman and Diu Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982, were published as required by

sub-section (1) of section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979) in the Official Gazette, Series I, No. 41 dated 11-4-90 under Notification No. 21/24/87-LAB dated 12-12-89 of the Department of Labour, Government of Goa, inviting suggestions and objections from all persons likely to be affected thereby till the expiry of a period of 90 days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 11-1-1990;

And whereas no objections or suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979), the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982, namely:

1. *Short title and commencement.*— (1) These rules may be called the Goa Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Amendment) Rules, 1990.

(2) They shall come into force at once.

2. *Amendment of rule 12.*— In the Goa, Daman and Diu Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (hereinafter called the "Principal Rules"), for rule 12, the following rule shall be substituted, namely:—

"12 Fees. — (1) The fees to be paid for the grant of certificate of registration of an establishment under section 4 shall be as specified below:—

If the number of migrant workmen proposed to be employed in the establishment on any day,—

(a) is 5 and not exceeding 20 ...	Rs. 60/-
(b) exceeding 20 and upto 50 ...	Rs. 150/-
(c) exceeding 50 and upto 100 ...	Rs. 300/-
(d) exceeding 100 and upto 200	Rs. 600/-
(e) exceeding 200 and upto 400	Rs. 1,200/-

(f) exceeding 400 ... Rs. 1,500/-

(2) The fees to be paid for grant of licence under section 7 shall be as specified below:—

If the number of workmen employed by the contractor on any day—

- (a) is 5 and not exceeding 20 ... Rs. 15/-
- (b) exceeding 20 and upto 50 ... Rs. 40/-
- (c) exceeding 50 and upto 100 ... Rs. 80/-
- (d) exceeding 100 and upto 200 ... Rs. 150/-
- (e) exceeding 200 and upto 400 ... Rs. 300/-
- (f) exceeding 400 Rs. 400/-

3. *Amendment of rule 16.*—In rule 16 of the principal Rules, for the figure "10" the figure "20" shall be substituted.

4. *Amendment of rule 19.*—In rule 19 of the principal Rules, for the figure "2", the figure "5" shall be substituted.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Labour).

Panaji, 23rd July, 1990.

Legislature Department

LA/B/1211/1990

The following bill which was introduced in the Legislative Assembly of Goa on 24/7/1990 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 24th July, 1990.

The Goa Motor Vehicles (Taxation on Passengers and Goods)

Amendment Bill, 1990

(Bill No. 12 of 1990)

A

BILL

further to amend the *Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974.*

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the *Goa Motor Vehicles (Taxation on Passengers and Goods) Amendment Act, 1990.*

(2) It shall be deemed to have come into force on the 15th day of May, 1990.

2. *Amendment of Schedule.*—For the Schedule to the *Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974* (Act 7 of 1974), the following Schedule shall be substituted, namely:—

"SCHEDULE"

(See section 14)

1. The composition fee referred to in section 14 shall be calculated for the entire unexpired period of the currency of the permit or for a period of the currency of permit or for a period of one month whichever is less, at the rate—

(a) in the case of a stage carriage—

Two rupees and fifty paise per seat per year per kilometre of the total daily kilometres permitted or at the option of the operator, forty rupees per seat per month;

(b) in the case of a public carrier vehicle—

Sixty rupees per month provided that in the case of a three wheeler vehicle having a carrying capacity below 1,000 kgs., the rate shall be thirty seven rupees and fifty paise per month.

2. An application for the grant or renewal of permission to pay the composition fee mentioned above, shall be made not less than fifteen days before the commencement of the period for which the tax is intended to be compounded, provided that the Tax Officer may, in any case, for reasons to be recorded by him in writing, permit the application to be made not later than fifteen days from such commencement; and the application shall be accompanied by a receipt evidencing the payment into a Government treasury of the composition fee."

3. *Repeal and saving.*—(1) The *Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Ordinance, 1990* (Ordinance No. 1 of 1990), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Statement of Objects and Reasons

The *Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974* was amended by the *Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Ordinance, 1990* (Ordinance No. 1 of 1990), with a view to increase the rates of composition fee on account of heavy losses incurred by the Government every year.

This Bill seeks to replace the said *Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Ordinance, 1990* (Ordinance No. 1 of 1990).

Financial Memorandum

The proposed composition fee at the rate of Rs. 40 per seat per month will yield an estimated additional revenue to the tune of Rs. 1.00 crore per annum. This is a measure of additional resource mobilisation.

Panaji,
13th July, 1990

SHASHIKALA KAKODKAR
Min. for Transport

Assembly Hall,
Panaji,
17th July, 1990

M. M. NAIK
Secretary to the
Legislative Assembly of Goa.

Governor's recommendation under article 207 of the Constitution.

In pursuance of clause (1) and (3) of article 207 of the constitution, the Governor of Goa has recommended to the Legislative Assembly of Goa, the introduction and consideration of "The Goa Motor Vehicles (Taxation on Passengers and Goods) Amendment Bill, 1990."

(Annexure to Bill No. 12 of 1990)

The Goa Motor Vehicles (Taxation on Passengers and Goods) Amendment Bill, 1990

The Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974.

(Act 7 of 1974)

SCHEDULE

(See section 14)

1. The composition referred to in section 14 shall be calculated for the entire unexpired period of the currency of the permit or for a period of the currency of the permit or for a period of one month whichever is less, at the rate of—

(a) in the case of a stage carriage—

One rupee and ninety paise per seat per year per kilometre of the total daily kilometres permitted or at the option of the operator, thirty rupees per seat per month; and

(b) in the case of a public carrier vehicle—

Sixty rupees per month provided that in the case of a three wheeler vehicle having a carrying capacity below 1,000 kgs., the rate shall be thirty seven rupees and fifty paise per month.

2. An application for the grant or renewal of permission to pay the composition fee mentioned above, shall be made not less than fifteen days before the commencement of the period for which the tax is intended to be compounded, provided that the Tax Officer may, in any case, for reasons to be recorded by him in writing, permit the application to be made not later than fifteen days from such commencement; and the application shall be accompanied by a receipt evidencing the payment into a Government treasury of the composition fee."

3. *Repeal and saving.*—(1) The Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Ordinance, 1989 (Ordinance No. 1 of 1989) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Assembly Hall

M. M. NAIK,

Panaji, 17th July, 1990

Secretary to the
Legislative Assembly of Goa.

LA/B/1274/1990

The following bill which was introduced in the Legislative Assembly of Goa on 30-7-90 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 31st July, 1990.

The Goa Sales Tax (Amendment and Validation) Bill, 1990
(Bill No. 13 of 1990)

A
BILL

To validate the sales tax collected at a higher rate on sales of Low Sulphur Heavy Stock by certain

dealers in the State of Goa and to amend the First Schedule appended to the Goa Sales Tax Act, 1964.

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa Sales Tax (Amendment and Validation) Act, 1990.

(2) It shall come into force at once.

2. *Validation of excess collection of sales tax.*—Notwithstanding anything contained in the Goa Sales Tax Act, 1964 (Act 4 of 1964) (hereinafter referred to as the "Act"), no imposition, collection or levy of tax on the sale of Low Sulphur Heavy Stock effected under the Act with effect from first day of January, 1989 onwards shall be deemed to be invalid or to have been invalid merely by reason of the fact that all such tax levied or collected or purporting to have been levied or collected during the period under entry No. 35 of the First Schedule appended to the Act; and all such taxes levied or collected shall be deemed always or purporting to have been collected during the aforesaid period to have been validly levied and collected in accordance with law.

3. *Amendment of First Schedule.*—In the First Schedule appended to the Goa Sales Tax Act, 1964 (Act 4 of 1964), for entry No. 35, the following shall be substituted, namely:—

"35. Furnace Oil and substitute Furnace Fuel including Low Sulphur Heavy Stock."

Statement of Objects and Reasons

An Oil Company introduced a new product called "Low Sulphur Heavy Stock", a substitute used as fuel in place of "Furnace Oil". Assuming that the same falls under entry No. 35 of the First Schedule to the Goa Sales Tax Act, 1964 (Act 4 of 1964), the Company collected sales tax at a rate higher than it was entitled. The Government, therefore, desires to validate the above collection of sales tax made erroneously and to bring the new product "Low Sulphur Heavy Stock" within the purview of entry No. 35 of the First Schedule to the said Act.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill, since the existing machinery will carry out the work which may result on account of the proposed validation.

Panaji
18th July, 1990

SHRI RAMAKANT KHĀLAP
Dy. Chief Minister

Assembly Hall,
Panaji
20th July, 1990

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

Governor's recommendation under article 207 of the Constitution:

2. Pursuance of Article 207 of the Constitution, the Governor of Goa has recommended to the Legislative Assembly of Goa the introduction and consideration of the Goa Sales Tax (Amendment and Validation) Bill 1990.

(Annexure to Bill No. 13 of 1990)

The Goa Sales Tax (Amendment and Validation) Bill, 1990

The Goa, Daman and Diu Sales Tax Act, 1964

(Act 4 of 1964)

35. Furnace Oil.

Assembly Hall,
Panaji,
20th July, 1990

M. M. NAIK
Secretary to the
Legislative Assembly
of Goa.

LA/B/1275/1990

The following bill which was introduced in the Legislative Assembly of Goa on 30-7-90 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 31st July, 1990.

The Goa Sales Tax (Amendment) Bill, 1990

(Bill No. 15 of 1990)

A

BILL

further to amend the Goa Sales Tax Act, 1964.

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:

1. *Short title and commencement.*—(1) This Act may be called the Goa Sales Tax (Amendment) Act, 1990.

(2) It shall come into force on such date, as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 7.*—In sub-section (1) of section 7 of the Goa Sales Tax Act, 1964 (Act 4 of 1964) (hereinafter referred to as the "principal Act"),—

(i) in clause (bbb), for the figure "15", the figure "17" shall be substituted;

(ii) in clause (c), for the words "of six paise in the rupee", the words "of seven paise in the rupee" shall be substituted.

3. *Amendment of Schedule.*—For the existing Sixth Schedule to the principal Act, the following shall be substituted, namely:—

"THE SIXTH SCHEDULE
(See clause (bbbb) of sub-section (1) of section 7)

Sales of cooked food and non-alcoholic drinks served or sold or supplied for consumption at or outside any eating house, restaurant, hotel, refreshment room or boarding establishment which is not a shop or establishment conducted primarily for sale of sweetmeats, confectionery, cakes, biscuits or pastries shall be taxed at the following rates:—

Sr. No.	Conditions subject to which rate in Column (3) is applicable	Rate of tax
(1)	(2)	(3)
(1)	Where the average price per item/dish does not exceed Rs. 3/- and/or the maximum price for any individual item/dish does not exceed Rs. 5/-.	3%
(2)	Where the average price per item/dish exceeds Rs. 3/- but does not exceed Rs. 10/- and/or the maximum price for any individual item/dish exceeds Rs. 5/- but does not exceed Rs. 20/-.	6%
(3)	Where the average price per item/dish exceeds Rs. 10/-.	12%

Exemption:

No tax shall be leviable under this Schedule when the annual turnover does not exceed Rupees one lakh and the average price per item/dish does not exceed Rs. 3/-.

Notes: (1) The average price per item/dish shall be calculated by dividing the sum total of prices prevailing on the last day of the previous year by the number of items/dishes covered in the menu card.

(2) Every registered dealer effecting sales of cooked food and non-alcoholic drinks shall make a declaration before the Appropriate Assessing Authority within 30 days from the commencement of the year, specifying the items/dishes normally sold or served or supplied by him alongwith their respective prices prevailing on the last day of the previous year.

(3) In calculating taxable turnover, sales of cooked food and non-alcoholic drinks purchased locally on payment of tax shall be excluded.

(4) In respect of the year 1990-91, the declaration required to be made under (2) above shall be furnished to the Appropriate Assessing Authority within 30 days from the date of publication of this Act in the Official Gazette."

Statement of Objects and Reasons

To give effect to the Budget proposal to raise additional resources for financing the Annual Plan 1990-91 and for the Eighth Five Year Plan beginning with the current year, it is necessary to amend sub-section (1) of section 7 of the Act so as to revise the rates of sales tax applicable to the items covered by Fifth Schedule appended to the Act and to residuary items.

2. Certain practical difficulties have been experienced in implementing the provisions of enactments covered under Sixth Schedule prescribed under clause (bbbb) of sub-section (1) of section 7 of the Goa Sales Tax Act, 1964. In order to obviate these difficulties, it is proposed to suitably amend the Goa Sales Tax Act, 1964 (Act 4 of 1964), by substituting the Sixth Schedule in the Goa Sales Tax Act, 1964.

This Bill seeks to achieve the above objects.

1974 (Act 8 of 1974), after item III, the following item shall be inserted, namely:—

III A. Goods vehicles carrying mineral ore:

For every 100 kgs. of registered laden weight or part thereof—

(i) driven on fuel other than diesel	Rs. 30.00
(ii) driven on diesel	Rs. 36.00".

Statement of Objects and Reasons.

The Mining Industry in this State has been using heavy vehicles like tippers and dumpers for transporting mineral ore apart from trucks used for transporting other materials. Considering the extent of their operations, it has been noticed that the vehicles carrying mineral ore, are taking heavy toll of the road network thereby compelling the Government to incur substantial expenditure on their upkeep and maintenance, and as such, it is necessary that the Mining Industry is made to contribute equitably towards this expenditure of the Government. Presently, the vehicles used in this Industry are taxed as any other vehicles.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved. The existing administrative machinery will be utilised to collect the tax.

Memorandum on Delegated Legislation

No delegated legislation is involved.

Panaji
24th July, 1990

SHASHIKALA KAKODKAR
Minister for Transport

Assembly Hall,
Panaji
25th July, 1990

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

Governor's recommendation under article 207 of the Constitution:

In pursuance of clause (1) and (3) of article 207 of the Constitution the Governor of Goa has recommended to the Legislative Assembly of Goa the introduction and Consideration of "The Goa Motor Vehicles Tax (Amendment) Bill, 1990.

(Annexure to Bill No. 16 of 1990)

The Goa Motor Vehicles Tax (Amendment) Bill, 1990

The Goa, Daman & Diu Motor Vehicles Tax, 1974.

(Act 8 of 1974)

SCHEDULE

III. A Goods Vehicles:

For every 100 kgs. of registered laden weight or part thereof:

(i) driven on fuel other than diesel ...	Rs. 15.00
(ii) driven on diesel ...	Rs. 18.00

Assembly Hall,
Panaji, 25th July, 1990

M. M. NAIK
Secretary to the
Legislative Assembly
of Goa.

LA/B/1277/1990

The following bill which was introduced in the Legislative Assembly of Goa on 30-7-90 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 31st July, 1990.

The Goa Change of Name and Surname Bill, 1990

(Bill No. 17 of 1990)

A
BILL

to lay down the procedure for change of name and surname of any person born in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**— (1) This Act may be called the Goa Change of Name and Surname Act, 1990.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force at once.

2. **Definitions.**— In this Act, unless the context otherwise requires, —

(a) "Chief Registrar" means an officer authorised by the Government to exercise the powers and perform the duties of the Chief Registrar under this Act;

(b) "Government" means the Government of Goa;

(c) "guardian" means a person having the care of a minor or of his property, or of both his person and property;

(d) "minor" means a person who, under the provisions of the Indian Majority Act, 1875 (Central Act 9 of 1875), is to be deemed not to have attained his majority;

(e) "Official Gazette" means the Goa Government Gazette;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "register" means a register of change of name and surname maintained under this Act;

(h) "Registrar" means an officer authorised by the Government to exercise the powers and perform the duties of the Registrar under this Act and includes the Civil Registrar exercising the powers under the Código do Registo Civil do Estado da Índia approved by Decree dated 9-11-1912.

3. **Application for change of name and surname of any person.**— (1) Any person, desirous of changing his name or surname or both, as recorded in the birth register, shall apply to the Registrar of the respective jurisdiction in which his birth is recorded in the prescribed form:

Provided that if such a person is a minor, the application shall be made by his guardian.

(2) On receipt of the application, the Registrar shall publish the notice thereof by affixing it in the notice board of his office and publish the relevant notice in the Official Gazette calling for objections, if any, on the application within thirty days from the date of the notice.

(3) On receipt of the objections, the Registrar shall conduct an enquiry in the manner prescribed and pass such order as he deems fit within sixty days of the receipt of the application.

(4) In case no objections are received, or if the order under sub-section (3) is for granting the request of the applicant, the Registrar shall call for the extract under section 17 of the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969) regarding the applicant's birth registration, enter the relevant particulars in his register and also the changed name and surname and thereafter issue the certificate in the prescribed form.

(5) Any person aggrieved by the order of the Registrar under sub-section (3), may, within thirty days from the date of communication of the order, prefer an appeal to the Chief Registrar and the order in appeal passed by the Chief Registrar shall be final.

4. Power to make rules. — The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

5. Repeal and saving. — (1) On and from the date of commencement of this Act, Articles 178 and 179 of the *Codigo do Registo Civil do Estado da India* approved by Decree dated 9-11-1912 shall stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Articles shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

Statement of Objects and Reasons

Thousands of persons of this State desire to change their names or surnames for various reasons. The change of name is at present governed by the *Codigo do Registo Civil do Estado da India* which lays down cumbersome and costly procedure for change of name. Common men find it difficult to comply with the procedures even when there is a genuine need to change their names or surnames. In order to obviate the difficulties, this Bill is brought forth which proposes to simplify the procedures laid down in Articles 178 and 179 of the *Codigo do Registo Civil do Estado da India* without incurring any expenses.

Financial Memorandum

The Bill involves no financial expenditure for its implementation as the duties to be performed under the provisions of the Bill are proposed to be assigned to the existing machinery.

Memorandum on Delegated Legislation

Clause 4 of the Bill empowers the Government to frame rules for giving effect to the provisions of the Bill. This delegation is of normal character.

Panaji
26th July, 1990

DR. KASHINATH G. JALMI
Minister for Law

Assembly Hall
Panaji
26th July, 1990

M. M. NAIK
Secretary to the Legislative Assembly
of Goa.

(Annexure to Bill No. 17 of 1990)

The Goa Change of Name and Surname Bill, 1990

Codigo do Registo Civil do Estado da India

Sec. 178 — The changes of proper name or that of family shall only be authorised by the Governor General, under the following provisions :—

1. The interested party shall forward his application addressed to the Governor General by handing it over to the Civil Registrar or Civil Registration Official of the Taluka where he is resident and subsequently shall annex to it his birth certificate and the documents under which the reasons given for the change of name will be proved;
2. The above mentioned employee shall make whatever inquiries he may deem fit thereby hearing the applicant and any witnesses designated by him or appointed by the office and on finalising the matter, the said employee shall record his opinion on his report which shall be submitted to the Secretariat;
3. If the Governor deems that the request deserves favourable consideration, the applicant will be authorised to publish the relevant notices in the Government Gazette and in two local newspapers when available, giving therein a gist of the request and intimating any interested party to lodge his claim against the pretension by way of an authentic written complaint or by a complaint duly authenticated before the Governor General, within the time limit of 30 days from the date of publication.
4. After the expiry of the above time limit, the applicant shall cause to annex to the file an issue of the Government Gazette and of each of the newspapers in which the notices were published or shall explain the reasons for not having published the notices in the latter and the Governor, on hearing the Registrar General, Attorney General's Office (*Procuradoria da Republica*) and the entities whom he may deem necessary in case of opposition, or dispensing with any formality, shall decide by notification as he may deem just, authorising the applicant, in case sanction is accorded, to publish in the Government Gazette and to apply for an endorsement in the respective register by producing the said issue of the Government Gazette or a true copy of the notification duly attested by a Notary.

Sec. 179 — In case the registration of birth of the interested party has not yet been recorded in the Civil Register, he shall request for its transcription, in terms of this Code.

Assembly Hall,
Panaji,
27th July, 1990.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

LA/B/1278/1990

The following bill which was introduced in the Legislative Assembly of Goa on 30-7-90 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 31st July, 1990.

The Goa Ferries Bill, 1990
(Bill No. 18 of 1990)

**A
BILL**

to regulate the use of ferries in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Goa Ferries Act, 1990.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) 'Captain of Ports' means the Captain of Ports of the Government;

(b) 'channel' means any canal, river, lake, backwaters, creeks or other navigable waterways;

(c) 'ferry' means a place at which goods or passengers or vehicles are conveyed across a channel by means of vessels, and includes also the approaches to and landing places of, a ferry;

(d) 'Government' means the Government of Goa;

(e) 'lessee' means any person who holds right of tolls at public ferry on lease;

(f) 'notification' means a notification published in the Official Gazette;

(g) 'Official Gazette' means the Official Gazette of the Government;

(h) 'prescribed' means prescribed by rules made under this Act;

(i) 'public ferry' means a ferry which is declared to be a public ferry under the provisions of this Act.

3. Power to declare, establish, define limits or routes and discontinue public ferries.—The Government may by notification, from time to time,—

(a) declare as to which ferry shall be public ferry, and the respective districts in which for the purposes of this Act it shall be deemed to be situated;

(b) establish new public ferries where, in its opinion, they are needed;

(c) define the limits of any public ferry;

(d) define or alter the routes of navigation at any public ferry; and

(e) discontinue any public ferry which it deems unnecessary.

Provided that when a channel lies between the State and the other State, the powers conferred by this section shall, in respect of such channel, be exercised by the Government in accordance with the provision of an agreement with the Government of the other State, which provision shall be notified by the Government in the Official Gazette.

4. Power to cause levy of toll.—(1) The Government may, by notification, fix such rates of toll to be levied on all vessels for the use of approaches to and landing places of a public ferry.

(2) The Government may, by notification, fix such rates of toll to be levied on all persons, animals, vehicles and other things crossing any river at a public ferry and not employed or transmitted on the service of the Government or the Government of India:

Provided that the Government may, from time to time by a notification or a special order, exempt from payment of such toll any person, animal or vehicle or other things as may be specified therein.

5. Power of Government to lease levy of tolls.—It shall be lawful for the Government to lease levy of tolls at the rates fixed under section 4 in respect of any public ferry by public auction or contract from year to year or for a longer period not exceeding three years on such terms and conditions as the Government may deem fit.

6. Powers and liabilities of lessees and their Agents.—All persons employed by the Government in the management and collection of toll levied under section 4 and where the right to collect toll has been leased under section 5, the lessee and every person appointed by the lessee as his agent for the purpose of collection of such toll shall be deemed, within the meaning of section 7, to be an officer appointed to collect the toll and shall exercise all the powers and be subject to all the obligations and liabilities attaching persons so appointed.

7. Power of seizure.—In case of non-payment of any such toll on demand, the officers appointed to collect the same may seize any vessel, vehicle or animal or goods on which it is chargeable and, if any toll remains un-discharged within twenty four hours of such seizure, the officer concerned shall report the matter to the Captain of Ports who may sell such property for discharge of the toll and all expenses occasioned due to such non-payment, seizure and sale and cause the balance, if any that may remain to be returned on demand to the owner of the property:

Provided that, if at any time before the sale the person whose property has been seized tenders the toll due and all the expenses incurred the said officer shall forthwith release the property seized.

8. Assistance by the Police Officers.—All Police officers shall when required, be bound to assist the officer appointed to collect the toll by exercising all powers they have in the exercise of their common Police duty.

9. Exhibition of table of tolls and statement of penalties. — The Captain of Ports shall cause a table of the tolls authorised to be charged and put up at all public ferries in writing or printed in the official language and also in such other languages as may be prescribed.

10. Penalties. — (1) Whoever fails to pay the toll or uses any public ferry without paying the toll or obstructs any officer appointed to collect the toll in any way in exercise of his duties under the Act shall be liable to pay such amount as may be prescribed as penalty.

(2) Any person who is liable to pay any penalty under sub-section (1) on his refusal to pay such penalty shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which shall not be less than the penalty payable under sub-section (1) or with both.

11. Power to make rules. — The Government may, by notification, make rules generally for the purpose of carrying out the purposes of this Act.

Statement of Objects and Reasons

In inland waterways of this State of Goa, a large number of ferry routes are being operated by Government for facilitating the conveyance of passengers, cargo, vehicles, animals, etc. However, the ferry services in this State are not so far regulated by any Ferries Act. It is therefore, proposed to regulate and control the use of ferries in this State.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in the Bill as the existing machinery will be utilised for implementing the provisions of the Act.

Memorandum Regarding Delegated Legislation

Clause 3 of the Bill empowers the Government by notification, to declare, establish, define limits and routes and discontinue public ferries.

Also, clause 4 of the Bill empowers the Government by notification, to cause levy of toll and clause 9 of the Bill provides for exhibition of table of toll and statement of penalties as may be prescribed.

Besides, clause 11 of the Bill empowers the Government by notification, to make rules for the purpose of carrying out the purposes of the Act.

This delegation is of normal character.

Panaji
27th July, 1990

RATNAKAR M. CHOPDEKAR
Minister of State for Inland
Waterways

Assembly Hall
Panaji
27th July, 1990

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

LA/B/1279/1990

The following bill which was introduced in the Legislative Assembly of Goa on 30-7-90 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 31st July, 1990.

The Goa Salaries and Allowances of Ministers (Amendment) Bill, 1990

(Bill No. 19 of 1990)

A

BILL

further to amend the Goa Salaries and Allowances of Ministers Act, 1964.

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:

1. Short title and commencement. — (1) This Act may be called the Goa Salaries and Allowances of Ministers (Amendment) Act, 1990.

(2) It shall be deemed to have come into force from the 26th day of March, 1990.

2. Amendment of section 2. — In clause (d) of section 2 of the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965) (hereinafter referred to as the "principal Act"), after the words and figure "Chief Minister," the words and figure "Deputy Chief Minister," shall be inserted.

3. Amendment of section 3. — In sub-section (2) of section 3 of the principal Act, after item 1, the following item shall be inserted, namely:—

"1A. Deputy Chief Minister ... Rs. 2,900/- per month".

4. Amendment of section 4. — In section 4 of the principal Act,—

(i) for the words "two hundred and fifty rupees," the words "two thousand and five hundred rupees" shall be substituted;

(ii) the proviso shall be omitted.

Statement of Objects and Reasons

Under the existing provisions of the Goa Salaries and Allowances of Ministers Act, 1964, the monthly sumptuary allowance payable to the Chief Minister and the Minister is Rs. 3,000/- and Rs. 2,500/- respectively.

In view of the designation of one of the Ministers as Deputy Chief Minister, it is proposed to make suitable provision in the Act so as to provide for payment to the Deputy Chief Minister, a sumptuary allowance of Rs. 2,900/- per month so that the same may be commensurate with the status of the Deputy Chief Minister.

Also, due to acute shortage of suitable bungalows at the disposal of the Government, some Ministers could not be provided with furnished residence and hence on account of high rise in the cost of accommodation, it is proposed to increase the compensatory allowance in lieu of residence to Ministers, from Rs. 250/- per month to Rs. 2,500/- per month.

This Bill seeks to achieve the above objects by suitably amending the Goa Salaries and Allowances of Ministers Act, 1964.

Financial Memorandum

The additional financial implication in respect to the sumptuary allowance would be to the tune of Rs. 2900/- per month i.e. Rs. 34,800/- per year. Further also the additional financial implication with the increase of compensatory allowance in lieu of Government residence will be Rs. 2,500/- per month i.e. Rs. 27,000/- per year in case of each Minister.

Panaji
30th July, 1990

DR. LUIS PROTO BARBOSA
CHIEF MINISTER

Assembly Hall
Panaji
30th July, 1990

M. M. NAIK

Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 19 of 1990)
**The Goa Salaries and Allowances of Ministers
(Amendment) Bill, 1990**

The Goa Salaries and Allowances of Ministers Act, 1964.

2(d) 'Minister' means a Minister appointed under article 164 of the Constitution and includes the Chief Minister, Deputy Minister and Minister of State.

3. Salary and Sumptuary Allowance.—(2) Every Minister shall also be entitled to a monthly Sumptuary allowance as laid down below, namely:

1. Chief Minister	Rs. 3,000/- per month
2. Minister	Rs. 2,500/- per month
3. Ministers of State/Deputy Minister	Rs. 2,000/- per month.

4. Residence of Ministers.—Each Minister shall be entitled, without any payment, to the use and maintenance of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and so long as such residence is not provided, to a compensatory allowance of two hundred and fifty rupees per month:

Provided that the compensatory allowance payable to a Deputy Minister for the period for which no residence is provided to him shall be two hundred rupees per month.

Explanation.—For the purpose of this section,—

- (i) 'residence' includes the staff quarters and other buildings appurtenant thereto and the garden thereof but does not include such portion of the residence or buildings appurtenant thereto as is exclusively set apart for use as office at the residence and is used as such;
- (ii) 'maintenance' in relation to a residence includes payment of local rates and taxes and provision of electricity and water, provided, however, that the total periodic expenditure on provision of electricity and water shall not exceed one hundred rupees per month in the case of Deputy Minister or one hundred and twenty five rupees per month in the case of any other Minister.

Assembly Hall,
30th July, 1990

M. M. NAIK
Secretary to the
Legislative Assembly
of Goa.